

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICKY S. ANDERSON,)
Petitioner,) Civil Action No. 05 - 1301
v.) Judge David S. Cercone /
POLICE COMMISSIONER;) Magistrate Judge Lisa Pupo Lenihan
WESTMORELAND COUNTY PA; and)
PA STATE ATTORNEY GENERAL;)
Respondents.)

MEMORANDUM ORDER

The above captioned Petition was received by the Clerk of Court on September 19, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 10), filed on January 19, 2007, recommended that the immediate action be dismissed due to Petitioner's failure to prosecute this action. Service was made on the Petitioner at the Westmoreland County Jail, 3000 South Grande Boulevard, Greensburg, PA 15601. The Petitioner was informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, he had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 26 day of February, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** due to Petitioner's failure to prosecute this action.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 10) of Magistrate Judge Lenihan, dated January 19, 2007, is adopted as the opinion of the court.



Judge David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
U.S. Magistrate Judge

RICKY S. ANDERSON
3399-03
Westmoreland County Jail
3000 South Grande Boulevard
Greensburg, PA 15601